IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6213 of 1994

Between:

1 Inti Audinarayana
2 Jalapati China Chalamaiah
3 Jalapati Venkateswarlu
4 Jalapati Subbarayudu

..... PETITIONER(S)

AND

1 Inti Narayana, son of Subbaiah
Govindapuram, H/O Chinna Cumbum, Prakasham Dist AP
2 The Joint Collector ,
Prakasham Dist, at Ongole.
3 The Revenue Divisional Officer Markapur
Prakasham Dist
4 The Mandal Revenue Officer Cumbum, Cumbum Mandalam
Prakasham Dist

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order direction under Art 226 of the Constitution of India, particularly one in the nature of Writ of CERTIORARI, quashing the order of the Joint Collector , Prakasham Dist, Ongole passed in RC.J1/1500/93, dt. 3-3-1994 as unjust and illegal after calling for the records

Counsel for the Petitioner:MR.PRATTIPATI VENKATESWARLU,Advocate

Counsel for the Respondent No.1: MR.V.C.VENKATA REDDY,
Advocate.

Counsel for Respondents 2 to 4: Govt. Pleader for Revenue.

The Court made the following :

ORDER:

This Writ Petition is filed questioning the order dated 3-3-1994 in the proceedings No. RC.J1/1500/93, passed by the Joint Collector, Prakasam District-second respondent herein, in the proceedings initiated under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971.

Earlier the matter has come up before this Court in Writ Petition No. 1532 of 1993. This Court, by order dated 27-7-1993, while allowing the Writ Petition on the ground that no opportunity was given to the affected parties, directed the Joint Collector, to dispose of the appeal afresh by giving opportunity to the parties. It is not in dispute that the petitioners were represented through Advocate of Ongole. One of the contentions now raised by the learned Counsel for the petitioners is that though the petitioners were represented through Advocate, no notice was given to him and the impugned orders are passed without affording any opportunity.

On earlier occasion, this Court by order dated 7-12-2004 directed the respondents to produce records, to verify whether any notice was given to the counsel on record. The learned Government Pleader for Revenue submits that they have received the records, and no notice was issued to the counsel on record, before passing the order dated 3-3-1994.

Inasmuch as the petitioners were represented by an Advocate, it is obligatory on the part of the respondents to give notice to the counsel on record to hear him before passing any order. On this short ground that no notice was issued to the counsel on record before passing of the order, the impugned order dated 3-3-1994 is set aside. The matter is remitted back to the Joint Collector, to dispose of the same by issuing notice to the parties/counsel on record and pass appropriate orders.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

January 20, 2005

Msnr.

That Rule Nisi has been made absolute as above. Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the twentieth day of January, Two Thousand and Four.

To

1. The Joint Collector ,
   Prakasham Dist, at Ongole.
2 The Revenue Divisional Officer Markapur
   Prakasham Dist
3 The Mandal Revenue Officer Cumbum, Cumbum Mandalam
   Prakasham Dist.

4. Two ccs to Govt. Pleader for Revenue, High Court of AP.

Hyderabad. (OUT)

5. Two CD copies.